

### EXAMINER'S AMENDMENT

The amendment after final rejection dated 3/12/2008 has been received and entered. Claims 1-34, 36 and 37 have been cancelled.

The amendments to the specification filed on March 9, 2006 have been entered.

An examiner's amendments to the record appear below. Authorization for this examiner's amendment was given in a telephone interview with Mr. **Michael Willis** on April 14, 2008.

The application has been amended as follows:

#### ***In the claims***

Claims 1-34, 36 and 37 have been cancelled.

Claim 35 has been replaced with the following:

Claim 35. A transgenic mouse whose genome comprises a homozygous inactivation of the Toll-like Receptor 9 (TLR9) gene such that no functional N -terminal fragment of TLR9 is produced; said TLR9 gene encodes a polypeptide that recognizes CpG oligodeoxynucleotide (ODN), wherein macrophages of said mouse exhibit decreased responsiveness to CpG ODN.

Examiner's comment:

The title of the instant application has been changed to -- Transgenic Toll-like Receptor 9 (TLR9) Mice

Reasons for allowance:

Applicants' arguments and supporting evidence filed March 12, 2008 is persuasive to overcome the rejection of record. Applicants' submission of references of Jacob (Journal of Immunology 1998, 161, 3042-3049), Elkins et al (The Journal of Immunology, 1999, 162, 2291-2298) and Zimmerman et al shows enabling use of claimed transgenic knockout mouse in screening agents that has a specific response to CpG ODN which proceeds through a different pathway than immune response to LPS. Additionally, applicants' newly submitted art also establishes a nexus between CpG-ODN and protection against bacterial infection. Therefore, rejection of record is withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anoop Singh whose telephone number is (571) 272-3306. The examiner can normally be reached on 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras can be reached on (571) 272- 4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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